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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,220	10/14/2005	Nicholas Lambert	207126	8969
38137 7590 03/17/2008 ABELMAN, FRAYNE & SCHWAB 666 THIRD AVENUE, 10TH FLOOR NEW YORK, NY 10017				
EXAMINER				
WINNER, TONY H				
ART UNIT		PAPER NUMBER		
3611				
MAIL DATE		DELIVERY MODE		
03/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,220

Applicant(s)

LAMBERT, NICHOLAS

Examiner

Tony H. Winner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/14/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Objections

1. Claims 1, 4, and 6 are objected to because of the following informalities:
Regarding claims 1 and 4, the recitations "said trailer frame" two instances, and "said tow bar adapter" lack antecedent basis. Regarding claim 6, the recitation of "a standard tow ball bolt" is indefinite. The word "standard" has not been clearly defined in the specification. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 6, and 10 (as best understood) are rejected under 35 U.S.C. 102(e) as being anticipated by Cross (USPN. 6,254,117 b1).

Cross discloses a folding/collapsible trailer having a hitch apparatus comprising:

- a. a tow head adapter (66) securable to the tow bar of a towing vehicle;
- b. Universal joint means (figure 3) extending between and linking said tow head adapter and a tow head bracket attached to a trailer frame in a manner permitting an extended range of towing angles and said tow head bracket being pivotal on said trailer

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frame between a forwardly extending operative position for said hitch apparatus and an inoperative space saving storage position.

Regarding claim 6, Cross discloses the tow head adapter has a plate (104) formed with an aperture of sufficient size to receive a tow ball bolt.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cross in view of Helms (USPN. 4,200,306).

Cross is disclosed above but lacks the universal joint means includes a pair of aligned U flanges which are orientated at 90° with respect to each other.

Helms discloses a universally swiveling tractor connector that includes:

a. the U flanges are coupled together by a web located within the closed end of one of said U flanges and receiving a bolt or pin which passes through the open ends of the other of said U flanges;

b. one of the U flanges is connected to the tow head adapter by a removable bolt or pin which extends through the open ends of said one of the U flanges and a

block on the rear face of said tow bar adapter; and further discloses that such design would provide greater strength, rigidity and ease of fabrication.

Therefore, it would have been obvious to one skilled in the art to modify the connection of Cross to include the universal joint as taught by Helm, for the reasons set forth above.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cross in view of Bellairs (USPN. 3,411,806).

Cross is disclosed above but lacks the suspension system for the trailer.

Bellairs discloses a suspension system for a trailer wherein suspension blocks (32) fitted to stub axle assemblies on each side thereof, said blocks being slidable on pins (figure 4) and being resiliently supported on respective compression springs (58) acting between said blocks and wheel axle mounting plates (50). Bellairs further discloses that this suspension system would provide smooth shock-absorbing action.

Therefore, it would have been obvious to one skilled in the art to modify the trailer of Cross to include the suspension system as taught by Bellairs, for the reason set forth above.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cross in view of Cumbie (USPN. 7,229,090 B2).

Cross is disclosed above but silent with regard to the removable cargo tray.

Cumbie discloses an ATV trailer apparatus wherein a removable cargo tray may be inserted to the trailer for carrying cargo, as illustrated in figures 5 and 32.

Therefore, it would have been obvious to one skilled in the art to modify the trailer of Cross to include the removable cargo tray as taught by Cumbie, for the reason set forth above.

7. Claims 1 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Kallenback (USPN. 3,778,087) in view of Roll et al. (USPUB. 2004/0135345 A1).

Kallenback discloses a motorcycle trailer having a hitch apparatus comprising:

- a. a tow head adapter (46) securable to the tow bar of a towing vehicle (11);
- b. Universal joint means (54) extending between and linking said tow head adapter and a tow head bracket (21) attached to a trailer frame in a manner permitting an extended range of towing angles; and
- c. a wheel trout and foot peg (figure 2)

Kallenback lacks the teaching of a tow head bracket being pivotal on said trailer frame.

Roll discloses a trailer coupler assembly mounted on a tow head bracket (20 and 12) and being pivotal on said trailer frame between a forwardly extending operative position for said hitch apparatus and an inoperative space saving storage position (paragraph 003).

Therefore, it would have been obvious to one skilled in the art to modify the trailer coupler of Kallenback to include the mounting bracket as taught by Roll, for the reason set forth above.

Regarding claim 9, Kallenback as modified by Roll meets all of the claimed limitations.

Conclusion

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Anthony H. Winner whose telephone number is (571) 272-6654. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris, can be reached at (571) 272-6651. The fax phone number for the organization where this application or proceeding is (571) 273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information-Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6584.

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/Tony H. Winner/
Primary Examiner
March 6, 2008